

Civics

Judicial Branch (Chapter 9) Study Guide

Directions: Study the following information to prepare yourself for the test over the Judicial Branch.

1. **Role of the Federal Courts:**
 - a. **2 main jobs**
 - i. **Ensure laws are fairly enforced/ Treat everyone equally**
 - ii. **Interprets the laws**
 - b. **Hears two types of cases**
 - i. **Criminal Cases**
 - ii. **Civil Cases**

2. **Origin of the Federal Court System:**
 - a. **Under Articles of Confederation there was no national court system**
 - i. **States had own laws and own courts**
 - b. **Article III of the Constitution created the Supreme Court**
 - i. **Congress had the power to create the lower courts (Judiciary Act 1789)**
 1. **Created district courts and circuit courts**

3. **Dual Court System:**
 - a. **Federal Court- cases involving federal laws, power from the U.S. Constitution, and most judges appointed for life**
 - i. **Tenure?**
 - b. **State Court- cases involving state laws, power from state constitution, judges appointed for set terms or elected**

4. **Federal Court Jurisdiction:**
 - a. **What is Jurisdiction?**
 - b. **Types of jurisdiction:**
 - i. **Exclusive**
 - ii. **Concurrent**
 - iii. **Original**
 - iv. **Appellate**
 - c. **Cases heard in federal court versus cases heard in state court**

5. **The Lower Courts:**
 - a. **Federal Court System is made up of three (3) levels:**
 - i. **District Court- Lowest level, original jurisdiction, determines the facts of the case, and has a Judge and Juries**
 - ii. **Circuit Court- level between district and U.S. Supreme Court, appellate jurisdiction, panel of 3 judges (usually), and reviews cases from lower courts for fairness**
 1. **Total of 13 circuit courts**
 2. **Who may appeal a case?**

- b. Rulings:
 - i. Circuit court decision is known as a ruling
 - 1. What is a ruling?
 - 2. Three ways judges can decide a case?
 - a. Affirm/ uphold the result
 - b. Reverse the result
 - c. Remand the case
 - c. Opinions and Precedents:
 - i. Significance of both Opinions and Precedents?
6. Principles of the Legal System:
- a. Court may not initiate action
 - b. Judge or justice may not seek out an issue
 - c. Court must wait of litigants (parties to a lawsuit) to come before them
7. Federal Court Judges:
- a. Process of becoming a judge
 - i. President nominates a candidate and the Senate must confirm his decision
 - b. Federal Judges appointed for life
 - i. Reason for vacancies: resigns, retires, dies
 - c. Tenure?
8. The Supreme Court:
- a. Lots of cases appealed to the Supreme Court, but fewer than 1% accepted
 - b. Have Appellate and Original Jurisdiction
 - i. Original Jurisdiction in two cases?
 - ii. Appellate Jurisdiction- Final Authority on all appeal cases
 - c. Made up of 9 Justices: 1 chief justice and 8 associate justices
 - d. Qualifications: there are no constitutional qualifications
 - e. Congress sets the number of justices (form of checks and balances)
 - f. Main function of the Supreme Court is Judicial Review, what is it?
 - g. Landmark Cases:
 - i. Marbury v. Madison- Power of Judicial Review
 - ii. Dred Scott v. Sandford- African Americans cannot become U.S. Citizens, was overturned in 1868 by the 14th Amendment
 - iii. Plessy v. Ferguson- established “separate but equal” doctrine
 - iv. Brown v. Board of Education- Overturned Plessy v. Ferguson, declaring segregation in public schools unconstitutional
 - h. The process:
 - i. Writ of Certiorari
 - ii. Briefs
 - iii. 30 minutes to hear arguments
 - iv. Conference behind closed doors
 - 1. 1st discussion

2. Votes/ majority rule decides case

v. Opinions

- 1. Unanimous**
- 2. Majority**
- 3. Concurring**
- 4. Dissenting**